

Excerpts
Planning Commission Minutes
September 11, 2002

Application No. UP-605-02, Jimmie L. Goode: Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance to authorize an accessory apartment containing in excess of 25% of the total floor area of the associated single family detached dwelling. The property is located at 711 Dare Road, and is further identified as Assessor's Parcel No. 25F-1-3. The property is located on the south side of Dare Road (Route 621), approximately 200 feet west of its intersection with Railway Road (Route 620). The property is zoned RR (Rural Residential) and is designated for Low Density Residential development in the Comprehensive Plan.

Ms. Amy Parker presented a summary of the staff report to the Commission dated September 4, 2002, in which the staff recommended approval of this application.

There were no questions, and the Chair opened the public hearing.

Mr. Jimmie Goode, 711 Dare Road, offered to answer questions.

Mr. Ptasznik inquired if the upstairs portion of the building is heated and what purpose it serves, and Mr. Goode stated it is heated and used for storage.

The Chair closed the public hearing.

Mr. Ptasznik noted the area requested for the accessory apartment is 28%, over the 25% that is allowed by right. Ms. Parker explained that because the apartment's floor area is greater than the 450 sq. ft. permitted by right and greater than 25% of the main house, a special use permit is required.

PC02-34

On motion of Mr. Heavner, which carried 7:0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT
711 DARE ROAD**

WHEREAS, Jimmie L. Goode has submitted Application No. UP-605-02 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 711 Dare Road and further identified as Assessor's Parcel No. 25F-1-3; and

WHEREAS, said application has been referred to the York County Planning Commission;
and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of September, 2001, that it does hereby transmit Application No. UP-605-02 to the York County Board of Supervisors with a recommendation of approval to authorize a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 711 Dare Road and further identified as Assessor's Parcel No. 25F-1-3.
2. Except as specifically modified herein, building plans for the accessory apartment shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities related to the accessory apartment use on the site. A Certificate of Occupancy for the apartment must be issued prior to establishing residence in the building.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 700 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The accessory apartment unit shall be located on the ground floor of the building in which located. The second floor of the building shall remain an open area (without separate rooms or interior dividing walls) and shall be used for storage purposes only.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling. The accessory apartment shall not be served by a separate electrical service meter.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of

the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

PPL
UP605excr

